

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SHANTEA PHILLIPS,

Plaintiff,

v.

CLUB ESCAPE, PATRICK ARYEE, LKQ ENTERTAINMENT. JOHN CHANG, JOHN DOE ASSAILANTS 1-10, JANE DOES 1-10, ABC CORP. 1-10. XYZ INC., CITY OF ELIZABETH, CITY OF ELIZABETH POLICE DEPARTMENT, COUNTY OF UNION, STATE OF NEW JERSEY, BILLY BOUNCER 1-10, SAMMY SECURITY 1-10, ELIZABETH POLICE OFFICER 1-10, UNION COUNTY SHERIFF'S DEPARTMENT, ESSEX COUNTY SHERIFF'S DEPARTMENT, ESSEX COUNTY BOARD OF CHOLEN FREEHOLDERS, JOHN DOES 1-100, UNION COUNTY PROSECUTORS OFFICE, MR. LIQUOR LICENSE HOLDER, INSURANCE COS. 1-10.,

Defendants.

Civil No. 2:15-5285 (KSH) (CLW)

OPINION

Before the Court is plaintiff Shantea Phillip's motion to remand to state court. (D.E. 21).

On July 7, 2015, defendants City of Elizabeth and Elizabeth Police Department removed this action from the Superior Court of New Jersey, Union County to the District of New Jersey pursuant to 28 U.S.C. § 1446(a). (D.E. 1 "(Notice of Removal").) This Court had original jurisdiction based on subject matter pursuant to 28 U.S.C. § 1331 because of plaintiff's § 1983 claims against the City of Elizabeth and Elizabeth Police Department. However, on July 18, 2016, the Court signed a stipulation of dismissal with prejudice as to defendants City of Elizabeth and the Elizabeth Police Department. (D.E. 19). Because the federal-question jurisdiction derived from the federal

civil rights claims asserted solely against those two defendants, the Court no longer has subject-matter jurisdiction. All remaining claims are state law and no diversity jurisdiction exists as plaintiff and all named defendants are New Jersey residents. Accordingly, this matter shall be remanded back to the Superior Court of New Jersey, Union County. An appropriate order shall follow.

s/ Katharine S. Hayden

Katharine S. Hayden, U.S.D.J.

Dated: January 25, 2017